

REMARKS

Applicant thanks the Examiner for the careful consideration given to the subject application. By this Amendment, claims 18-29 have been added and claims 1-6, 9-12 and 14-15 have been amended. Claims 16-17 have been cancelled. Thus, claims 1-7, 9-15 and 18-29 are now pending in the application.

The Examiner is respectfully requested to reconsider and allow the subject application in view of the amendments and remarks contained herein.

RESTRICTION

In response to the restriction requirement, in which claims 16-17 were withdrawn from consideration, Applicant has cancelled claims 16 and 17.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-7, 10-13 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoda et al. (U.S. Pat. No. 6,225,715) in view of McClelland et al. (U.S. Pat. No. 6,538,799). This rejection is respectfully traversed.

Applicant first submits that McClelland constitutes nonanalogous prior art, and therefore cannot form the basis of a §103 rejection. Specifically, McClelland relates to micro-electromechanical system (MEMS) mirrors for use in miniature scanners, optical switches and video display systems. See column 1, lines 22-27. This reference, accordingly, is not in the same field of Applicant's endeavor (i.e. dynamoelectric machines) and cannot be considered reasonably pertinent because one skilled in the art

of dynamoelectric machines would not consider or even find McClelland's disclosure related to MEMS mirrors.

Secondly, in rejecting independent claims 1 and 11, the Patent Office contends that it would have been obvious to replace rotor position sensor 23 of Hoda with a sensor having capacitors as disclosed in McClelland. The Patent Office contends one of ordinary skill would have been motivated to do this "for the purpose of providing feedback for the drive electronics." The Patent Office, however, does not cite any prior art in support of this motivation. (The Patent Office, therefore, has failed to meet its initial burden of establishing a prima facie case of obviousness, see MPEP §2142.) Instead, the motivation appears to have come from the Patent Office itself, rather than from the prior art.

Furthermore, the prior art does not provide any motivation to combine Hoda and McClelland because the sensor disclosed in McClelland is for use with MEMS mirrors, not dynamoelectric machines. Moreover, McClelland does not teach or suggest that its sensor can be used to detect the rotor position of a dynamoelectric machine. Therefore, substituting Hoda's rotor position sensor with McClelland's sensor would render Hoda's motor unable to detect rotor position. Clearly, one of ordinary skill would find no motivation to make this inoperable combination.

Lastly, even if the references were combined as suggested by the Examiner, the resulting combination would not include at least one capacitor for storing energy for driving accessories or for starting the dynamoelectric machine, as recited by amended claims 1 and 11. Note that support for these amendments can be found, among other places, at paragraph [0036] of the subject application. McClelland does not teach or

suggest that its sensor has a capacitor for storing energy for driving accessories or for starting a dynamoelectric machine. Likewise, Hoda does not disclose a capacitor for storing energy for driving accessories or for starting a dynamoelectric machine. Therefore, even if Hoda's rotor position sensor was substituted by McClelland's sensor, the resulting combination would not include at least one capacitor for storing energy for driving accessories or for starting a dynamoelectric machine.

For all the reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the §103 rejection.

NEW CLAIMS 18-29

By this Amendment, new claims 18-29 have been added. New claims 18-23 depend from claim 1, and new claims 24-29 depend from claim 11. Support for these new claims can be found, among other places, at paragraphs [0033] and [0036]. Since claims 1 and 11 have been shown above to be allowable, the Examiner is respectfully requested to allow new claims 18-29 as well.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7500.

Respectfully submitted,

Dated: 2-16-06

By: 
Michael J. Thomas, Reg. 39,857

HARNESS, DICKEY & PIERCE, P.L.C.
7700 Bonhomme, Suite 400
St. Louis, MO 63105
(314) 726-7500